

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
RECEIVED NLRB REGION 8 08-CA-178685 2016 JUN 21 CLEVELAND, OH	6/21/16

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer TSGS Incorporated dba McDonald's	b. Tel. No. CHI (419) 625-6355	c. Cell No.
d. Address (street, city, state ZIP code) 4204 Milan Rd Sandusky, OH 44870-5834	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No.
		g. e-Mail
i. Type of Establishment (factory, nursing home, hotel) Restaurant	j. Principal Product or Service Fast Food	h. Dispute Location (City and State) Sandusky, OH
		k. Number of workers at dispute location 25
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
Since on or about (b) (6), (b) (7)(C) 2016, the above-named Employer discriminated against employee (b) (6), (b) (7)(C) by terminating (b) (6), (b) (7)(C) employment because of (b) (6), (b) (7)(C) protected concerted activities.		

3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)		
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)	4c. Cell No.
	4d. Fax No.	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to organization)		
6. DECLARATION I declare that the statements are true to the best of my knowledge By: (b) (6), (b) (7)(C) (signature) Address: (b) (6), (b) (7)(C)		Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No. Fax No. e-Mail
An Individual Print Name and Title Date: 6-16-16		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

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NATIONAL LABOR RELATIONS BOARD
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Case	Date Filed

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1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer TSGS Incorporated dba McDonald's		b. Tel. No. (419)625-6355
d. Address (street, city, state ZIP code) 4204 Milan Rd Sandusky, OH 44870-5834		c. Cell No.
e. Employer Representative (b) (6), (b) (7)(C)		f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) Restaurant		g. e-Mail
j. Principal Product or Service Fast Food		h. Dispute Location (City and State) Sandusky, OH
k. Number of workers at dispute location 25		
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
Since on or about (b) (6), (b) (7)(C) 2016, the above-named Employer discriminated against employee (b) (6), (b) (7)(C) by terminating (b) (6) employment because of (b) (6) protected concerted activities.		

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail****5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(b) (6), (b) (7)(C)

By:

(signature of representative or person making charge)

(b) (6), (b) (7)(C)

An Individual

Print Name and Title

Office, if any, Cell No.**Fax No.**

Address

(b) (6), (b) (7)(C)

Date:

e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

Agent's Direct Dial: (216)522-3728

June 14, 2016

(b) (6), (b) (7)(C)

Re: TSGS Incorporated dba McDonald's

Dear (b) (6), (b) (7)(C)

Pursuant to our conversation, enclosed is a Charge Against Employer form. If you wish to file this charge with us, please do the following:

- ✓ Make any necessary corrections on the form
- ✓ Fill in any incomplete spaces
- ✓ Sign and date the form where indicated at the bottom
- ✓ Return the form to the above address or fax number

You may also wish to keep a copy of the charge for yourself. Once we receive a signed charge from you, we will give it a case number and assign a Board agent to investigate the case. We will then send you a letter telling you the case number and the name of the investigator.

Please remember that to be timely, your charge must be filed and served on the charged party within six months of the alleged unlawful actions. We normally send a copy of the charge to the charged party, but if you are running close to the 6-month deadline, be advised that it is your responsibility to see that the Employer receives a copy of the charge within the 6-month period. Feel free to contact me if you have any questions or need further assistance. If I am not in, please ask to speak to the Information Officer.

Very truly yours,

KAREN N. NEILSEN
Field Attorney

Enclosure

Case Name: TSGS Incorporated dba McDonald's
Case No.: 08-CA-178685
Agent: Noah Fowle, Field Attorney

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
6-21-16	(b) (6), (b) (7)(C)	Phone	Left voicemail introducing myself
6-22-16		Phone	Follow up voicemail
6-23-16		Phone	Discussed background details of charge; set tentative AFF for following week Emailed (b) (6), (b) (7)(C) my contact info
6-23-16	(b) (6), (b) (7)(C)	Phone email	Introduced myself as investigating board agent, sent contact info They responded that they intended to retain counsel
6-24-16	(b) (6), (b) (7)(C)	Phone	Confirmed AFF for Wed 6-29-16
6-27-16		Phone	(b) (5), (b) (6), (b) (7)(C)
6-29-16	Region 2's RA Jaffe and DRA Dunham	Email	Sought and received their approval of Charging Party's withdrawal
6-30-16	(b) (6), (b) (7)(C)	Phone	(b) (5), (b) (6), (b) (7)(C)



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June 21, 2016

(b) (6), (b) (7)(C)

TSGS Incorporated dba McDonald's
4204 Milan Rd
Sandusky, OH 44870-5834

Re: TSGS Incorporated dba McDonald's
Case 08-CA-178685

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NOAH FOWLE whose telephone number is (216)522-8186. If this Board agent is not available, you may contact Supervisory Attorney GREGORY GLEINE whose telephone number is (216)522-3718.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

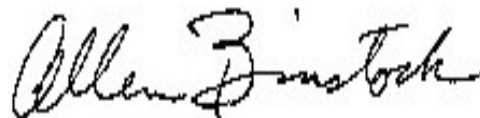
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



ALLEN BINSTOCK
Regional Director

AB/rh

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: (b) (6), (b) (7)(C)
TSGS Incorporated dba McDonald's
4204 Milan Rd
Sandusky, OH 44870-5834

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

08-CA-178685

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TSGS INCORPORATED DBA MCDONALD'S

Charged Party

and

(b) (6), (b) (7)(C), AN INDIVIDUAL

Charging Party

Case 08-CA-178685

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 21, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

TSGS Incorporated dba McDonald's
4204 Milan Rd
Sandusky, OH 44870-5834

(b) (6), (b) (7)(C)

TSGS Incorporated dba McDonald's
4204 Milan Rd
Sandusky, OH 44870-5834

June 21, 2016

Date

Regina Hibbitt, Designated Agent of
NLRB

Name



Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlr.gov
Telephone: (216)522-3715
Fax: (216)522-2418



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June 21, 2016

(b) (6), (b) (7)(C)

Re: TSGS Incorporated dba McDonald's
Case 08-CA-178685

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 21, 2016 has been docketed as case number 08-CA-178685. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney NOAH FOWLE whose telephone number is (216)522-8186. If this Board agent is not available, you may contact Supervisory Attorney GREGORY GLEINE whose telephone number is (216)522-3718.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

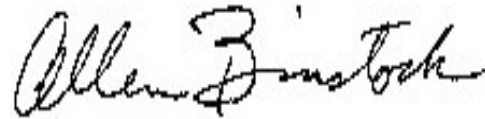
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon

June 21, 2016

your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Allen Binstock". The signature is written in a cursive, flowing style.

ALLEN BINSTOCK
Regional Director

AB/rh

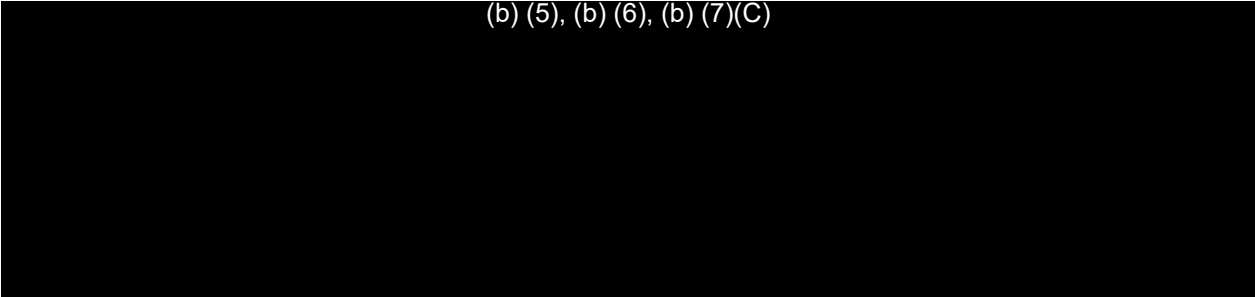
From: [Dunham, Geoffrey](#)
To: [Fowle, Noah](#); [Jaffe, Leah Z.](#)
Subject: Re: withdrawal of 08-CA-178685 (TSGS Incorporated dba McDonald's)
Date: Wednesday, June 29, 2016 10:38:55 AM

Ok to process withdrawal based on (b) (5)

From: Fowle, Noah
Sent: Wednesday, June 29, 2016 1:11:40 PM
To: Jaffe, Leah Z.; Dunham, Geoffrey
Subject: withdrawal of 08-CA-178685 (TSGS Incorporated dba McDonald's)

RA Jaffe and DRA Dunham.

(b) (5), (b) (6), (b) (7)(C)



Noah Fowle
Field Attorney, Region 8
National Labor Relations Board
1240 East 9th Street, Room 1695
Cleveland, OH 44199-2086
Phone: (216) 522-3743
Fax: (216) 522-2418
noah.fowle@nrlrb.gov

From: Binstock, Allen
Sent: Monday, June 27, 2016 9:41 PM
To: Fowle, Noah <Noah.Fowle@nrlrb.gov>
Cc: Gleine, Gregory <Gregory.Gleine@nrlrb.gov>; Botsch, Susan <Susan.Botsch@nrlrb.gov>
Subject: Re: 08-CA-178685 (TSGS Incorporated dba McDonald's)

OK, AB.

From: Fowle, Noah
Sent: Monday, June 27, 2016 2:03:00 PM
To: Binstock, Allen
Cc: Gleine, Gregory; Botsch, Susan

Subject: 08-CA-178685 (TSGS Incorporated dba McDonald's)

Allen,

The Charging Party in the above referenced charge provided oral authorization to withdraw the charge.

Noah Fowle
Field Attorney, Region 8
National Labor Relations Board
1240 East 9th Street, Room 1695
Cleveland, OH 44199-2086

Phone: (216) 522-3743

Fax: (216) 522-2418

noah.fowle@nrlrb.gov

MEMORANDUM

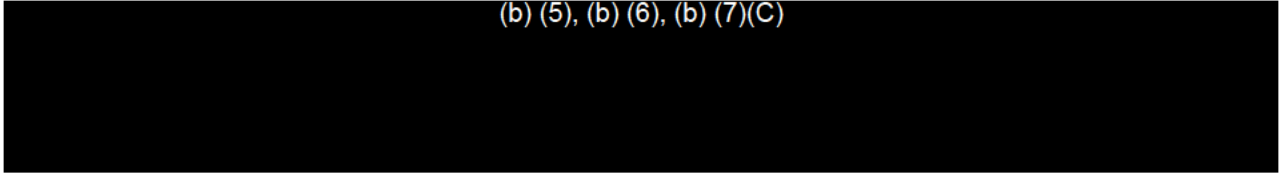
TO: File

DATE: June 30, 2016

FROM: Gregory Gleine, Supervisory Attorney

RE: TSGS Incorporated dba McDonald's
Case 08-CA-178685

(b) (5), (b) (6), (b) (7)(C)



GMG

MEMORANDUM

TO: File
RE: TSGS Incorporated dba McDonald's
Case 08-CA-178685

DATE: June 30, 2016

FROM: NOAH FOWLE, FIELD ATTORNEY

CONVERSATION WITH

(b) (6), (b) (7)(C), charging Party, regarding (b) (6) decision to withdraw charge:

- (b) (5), (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
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June 30, 2016

(b) (6), (b) (7)(C)

TSGS INCORPORATED DBA MCDONALD'S
4204 MILAN RD
SANDUSKY, OH 44870-5834

Re: TSGS Incorporated dba McDonald's
Case 08-CA-178685

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Allen Binstock

ALLEN BINSTOCK
Regional Director

AB/skb

cc:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

TSGS INCORPORATED DBA
MCDONALD'S
4204 MILAN RD
SANDUSKY, OH 44870-5834